

106TH CONGRESS
2D SESSION

H. R. 4980

To amend title 18, United States Code, with respect to DNA testing of prisoners, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2000

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, with respect to
DNA testing of prisoners, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Scientific Certainty
5 in Sentencing Act of 2000”.

6 **SEC. 2. FEDERAL POST-CONVICTION DNA TESTING.**

7 (a) IN GENERAL.—Part II of title 18, United States
8 Code, is amended by inserting after chapter 228 the fol-
9 lowing:

1 **“CHAPTER 228A—POST-CONVICTION DNA**
 2 **TESTING**

“Sec.
 “3600. DNA testing.

3 **“§ 3600. DNA testing**

4 “(a) MOTION.—An individual serving a term of im-
 5 prisonment for conviction in a court of the United States
 6 of a criminal offense (referred to in this section as the
 7 ‘applicant’) may make a written motion to the court that
 8 entered the judgment of conviction for the performance
 9 of forensic DNA testing on specified evidence, if that
 10 evidence—

11 “(1) was secured in relation to the investigation
 12 or prosecution that resulted in the conviction of the
 13 applicant; and

14 “(2) was not subject to the DNA testing re-
 15 quested because the technology for such testing was
 16 not available to the applicant at the time of trial or
 17 at the time of any earlier test.

18 “(b) NOTICE TO THE GOVERNMENT.—Upon receipt
 19 of a motion under subsection (a), the court shall notify
 20 the Government and shall afford the Government an op-
 21 portunity to respond to the motion.

22 “(c) REQUIREMENTS.—The court shall grant the mo-
 23 tion of the applicant if the court finds that the test, if
 24 favorable to the applicant, would provide evidence that—

1 “(1) had such evidence been before the finder
2 of fact at the trial of the criminal case, no reason-
3 able finder of fact would have found the applicant
4 guilty beyond a reasonable doubt; or

5 “(2) would have resulted in a mandatory reduc-
6 tion in the sentence of the applicant.

7 “(d) TESTING PROCEDURES.—

8 “(1) SELECTION OF LABORATORY.—Any DNA
9 testing ordered under this section shall be conducted
10 by—

11 “(A) a laboratory mutually selected by the
12 Government and the applicant; or

13 “(B) if the Government and the applicant
14 are unable to agree on a laboratory, a labora-
15 tory selected by the court that ordered the test-
16 ing.

17 “(2) COSTS.—The costs of any testing ordered
18 under this section shall be paid—

19 “(A) by the applicant; or

20 “(B) in the case of an applicant who is in-
21 digent, by the court.

22 “(e) EFFECT OF TEST RESULTS.—If the results of
23 the test are favorable to the applicant, the court shall
24 make such order respecting the conviction or sentence of

1 the defendant as the court determines is appropriate
 2 under all the circumstances.

3 “(f) PRESERVATION OF BIOLOGICAL MATERIAL.—
 4 The Government and the court shall take such steps as
 5 are reasonably necessary to ensure that any biological ma-
 6 terial relating to the trial of a criminal defendant that is
 7 in the possession of either is preserved throughout the
 8 time an individual is incarcerated pursuant to conviction
 9 at that trial.”.

10 (b) CLERICAL AMENDMENT.—The table of chapters
 11 for part II of title 18, United States Code, is amended
 12 by inserting after the item relating to chapter 228 the fol-
 13 lowing new item:

“228A. Post-conviction DNA testing.....3800”.

